

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

RECALL DUNLEAVY, an
unincorporated association,

Plaintiff,

v.

Case No. 3AN-19-10903CI

STATE OF ALASKA, DIVISION OF
ELECTIONS, and GAIL FENUMIAI,
DIRECTOR, STATE OF ALASKA,
DIVISION OF ELECTIONS

Defendants.

EMERGENCY
MOTION FOR EXPEDITED SCHEDULING CONFERENCE TO ADDRESS
BRIEFING AND DECISION SCHEDULE

Plaintiff Recall Dunleavy, by and through counsel, hereby moves for an expedited scheduling hearing **this Friday, November 8, 2019**, to address the briefing and decision schedule in this matter.

As outlined in an accompanying affidavit,¹ after filing and serving the complaint, counsel for Recall Dunleavy contacted the Attorney's General's office as counsel for Defendants State of Alaska, Division of Elections, and Gail Fenumiai, Director for the State of Alaska, Division of Elections (collectively "Defendants") about expediting this case. Unlike every other elections matter that has been litigated,

¹ Affidavit of Jahna M. Lindemuth (Nov. 5, 2019).

including recent initiative cases, the Attorney General's office indicated they see no reason to expedite this case.²

While the Administration may not see a reason to expedite this case, there is substantial reason to provide a prompt determination of whether the citizens of the state should be permitted to exercise their right of recall. 46,405 qualified Alaskans signed a valid recall petition that the Defendants unlawfully denied. The citizens have a right to begin collecting signatures for the next round, and have the recall election scheduled within 60 to 90 days of the next round of signatures being validated. If the petition had been lawfully certified on November 4, the day of the unlawful denial, Plaintiff expects it could have submitted sufficient signatures by the end of the year, causing a recall election to be scheduled in early spring. Alaskans could then have a different governor address the legislature's budget and other laws proposed during this upcoming session. This is still possible with an expedited schedule.

Because every day of delay denies the citizens of Alaska the opportunity to lawfully exercise their right to a recall the Governor as guaranteed by article XI, section 8 of the Alaska Constitution, this case should be expedited. This is especially true because an appeal to the Alaska Supreme Court is anticipated regardless of this court's decision. This case presents only legal issues which will be appropriately decided

² See Exhibit 1 to Affidavit of Jahna M. Lindemuth.

through cross-motions for summary judgment. There is no legitimate reason for delay. It should be in everyone's best interest to have certainty going forward.

Recall Dunleavy therefore respectfully requests an expedited briefing schedule that results in oral argument the week of December 2, 2019. Plaintiff requests that this court schedule a hearing for this Friday, November 8, 2019, to address a briefing schedule that accomplishes that goal.

RESPECTFULLY SUBMITTED at Anchorage, Alaska this 5th day of November 2019.

HOLMES WEDDLE & BARCOTT, PC

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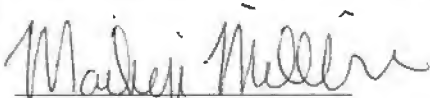
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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November 2019, a true and correct copy of the foregoing was sent to the following via hand delivery and e-mail:

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